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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,153	02/14/2002	Joseph C. Mase	1417Y P 701	6931

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EXAMINER

KOYAMA, KUMIKO C

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/075,153	Applicant(s) MASE ET AL.	
	Examiner Kumiko C. Koyama	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Acknowledgement has been made of receipt of preliminary amendment filed on a May 02, 2002.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the web as claimed in claim 23 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because it includes improper phrase, such as "provides." The examiner respectfully requests the Applicant to replace "provides" with --includes--. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claim 11 is objected to because of the following informalities:

Re claim 11: "the thermoplastic polymer or the thermoset polymer" should be changed to --a thermoplastic polymer or a thermoset polymer--. The above lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada (US 5,237,164) in view of Heiden (US 6,408,286).

Re claim 1, 6 and 15: Takada teaches a bar code on a card substrate as shown in Fig 4 having a bright portion 28a that reflects light, serving as light-reflecting segments, and dark portions 28b formed by a printing process of black color having a light absorption property, serving as spaces defining light-absorbing segments (col 5 lines 38-55). The bright portion and dark portions define a negative image, as shown in Fig 4. Takada teaches a bar code reader 22 that is used to read out the bar code (col 6 lines 63+). A magnetic strip is positioned over the substrate (Fig 1) and the bar code may be positioned over the magnetic strip (Fig 2).

Takada fails to teach that the bar code represents fixed information and variable information. Takada also fails to teach that the fixed information remains unchanged for a first period of time while the variable information changes during the first period.

Heiden teaches a postal indicium 30 including both fixed data that does not change from postal indicium to postal indicium and variable data that may change from postal indicium to postal indicium (col 5 lines 12-20).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Heiden to the teachings of Takada and provide a bar code for each fixed data and variable data in order to provide an identification to the substrate so that data or information can be updated periodically to further describe the substrate, but also maintaining certain data or information to store the identity of the substrate.

Re claim 2: As shown in Fig 3 and Fig 4, the light-reflecting segments are indicia that can be detected by a reader (col 6 lines 63+).

7. Claims 3, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada as modified by Heiden as applied to claim 2 above, and further in view of Dolash et al (US 4,983,817). Takada as modified by Heiden have been discussed above.

Re claim 3 and 4: Takada as modified by Heiden fail to teach that the indicia is visible to the naked human eye. Takada as modified by Heiden also fails to teach that the indicia has a color selected from the group consisting of white, red, yellow, orange, gold and silver.

Dolash teaches bar codes with fluoresce orange-red (col 1 lines 55-57).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Dolash to the teachings of Takada as modified by Heiden so that the bar code can be visible and readable in a more accurate manner when the bar code is on a white background because fluorescent ink provides a more distinctive reflection.

Re claim 5: Takada as modified by Heiden fails to teach that the indicia is not visible to the naked human eye.

Dolash teaches a bar code that is invisible to the unaided eye (col 10 lines 25-27).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Dolash to the teachings of Takada as modified by Heiden so that the bar code will not interrupt the visibility of other information that describes the substrate and only the bar code reader can interpret the bar code information.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takada as modified by Heiden as applied to claim 1 above, and further in view of Blankenship et al (US 6,267,291). Takada as modified by Heiden have been discussed above.

Takada as modified by Heiden fail to teach that the fixed information is selected from the group consisting of product name, product manufacturer, Universal Product Code, Universal Product Number, National Drug Code, National Health Related Industry Code, and label copy data.

Blankenship teaches that the fixed information includes the product name (col 2 lines 8-16).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Blankenship to the teachings of Takada as modified by Heiden because the product name does not change frequently, therefore can be stored permanently to identify the substrate or content within the substrate.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takada as modified by Heiden as applied to claim 8 above, and further in view of Perra, Jr (US 4,559,872). Takada as modified by Heiden have been discussed above.

Takada as modified by Heiden fail to teach that the variable information is selected from the group consisting of lot number, batch number, expiration date, serial number, production time, price, inventory control data, and concentration.

Perra teaches that the variable information may also consist of a lot or batch number (col 1 lines 20-24).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Perra to the teachings of Takada as modified by Heiden because lot and batch number are changed or updated accordingly with content change, therefore it is important that it is stored as the variable information so that the user is notified of the content before utilizing it.

10. Claims 9-11, 14, 16-22, 25-27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada as modified by Heiden as applied to claim 1 above, and further in view of Adolf et al (US 5,514,123). Takada as modified by Heiden have been discussed above.

Re claim 9, 14, 16-22, 25-27 and 29-32: Takada as modified by Heiden fails to teach that the coding symbology is disposed on medical container.

Adolf teaches pouch-type flexible containers for medical solution use (col 1 lines 34-36).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Adolf to the teachings of Takada as modified by Heiden in order to properly and specifically identify the content of the medical container so that the correction solution is given to the correct patient, which avoids any misplacement and misuse of the solution.

Re claim 10 and 11: Takada as modified by Heiden fail to teach a thermoplastic polymer or a thermoset polymer is selected from the group consisting of polyvinylchloride, polyvinylidichloride, polyolefins, polyamides, polycarbonates, polyesters, thermoplastic elastomers, elastomers, polyimides, polyurethanes, ethylene vinyl alcohol copolymers, ethylene vinyl acetate copolymers, ethylene copolymers, propylene copolymers, acrylic acid copolymers, ethylene substituted acrylic acid copolymers, alpha-olefin substituted acrylic acid copolymers, hydrocarbon block polymers, ethylene propylene diene polymers, nylon, mono-layer film structures and multi-layer film structures.

Adolf teaches that the majority of flexible films used for flexible solution containers are monolayer PVC films (col 1 lines 56-57).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Adolf to the teachings of Takada as modified by Heiden because it is readily available and reliable material to fill and seal the container with medical solution.

11. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada as modified by Heiden and Adolf as applied to claim 11 above, and further in view of Ding et al (US 6,297,322). Takada/Heiden/Adolf have been discussed above.

Takada/Heiden/Adolf fail to teach that the polyolefin is produced from an alpha-olefin having from about 2 to about 20 carbons and the alpha-olefin is ethylene or propylene.

Ding teaches a medical device of a polymer composition having a component of an ethylene and alpha-olefin copolymer, where the alpha-olefin has 6 carbons (col 3 lines 8-12).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Ding to the teachings of Takada/Heiden/Adolf in order provide a clear medical container so that the content of the container can be seen to confirm that the content matches the bar code information.

12. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada as modified by Heiden, and further in view of Berquist (US 4,884,904). Takada as modified by Heiden have been discussed above.

Takada as modified by Heiden fail to teach a method of transferring a negative image bar code onto a web of material including providing a web or material, printer, and a signal to a printer.

Berquist teaches a bar code printer for printing data on a web of material, the printer being a thermal print head type printer and inputting signal to the printer (col 1 line 9-12, col 4 lines 60-64).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Berquist to the teachings of Takada as modified by Heiden in order to print the bar code so that the bar code can be generated to store information and identify the item that the bar code is applied to, therefore providing a unique identification to quickly identify and obtain information about the item.

13. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takada as modified by Heiden and Adolf as applied to claim 25 above, and further in view of Havens et al (US 5,319,182). Takada/Heiden/Adolf have been discussed above.

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Takada/Heiden/Adolf fails to teach that the material is positioned over a portion of the negative image bar code.

Havens teaches that during the lamination process an adhesive flows over the bar code symbol (col 2 lines 33-34).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Havens to the teachings of Takada/Heiden/Adolf in order to protect that the bar code symbol from being damaged, which avoids any misreading caused by scratches, tear, etc. and further avoids retrieving wrong information.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vann, U.S. Patent No. 6,017,125, discloses a bar coded retroreflective target.

Cirton et al, U.S. Patent No. 5,288,976, discloses a bar code use in information transactional and other system and service applications.

Johnston, U.S. Patent No. 5,187,546, discloses a displacement measurement apparatus with dual wedge interferometers.

Ishikawas, U.S. Patent No. 5,164,573, discloses an optical reading device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 703-305-5425.

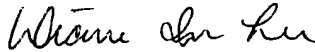
The examiner can normally be reached on Monday-Friday 7am-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

kck
March 21, 2003


DIANE I. LEE
PRIMARY EXAMINER